

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB-09-IH-0619
)	File No. EB-09-IH-0620
PageData LLC)	
)	Account. No. 201132080004
WaveSent LLC)	
)	FRN: 0017194556
)	FRN: 0006790638
)	

ORDER

Adopted: December 13, 2010**Released: December 13, 2010**

By the Chief, Investigations and Hearings Division, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (the “Bureau”) and PageData LLC (“PageData”) and WaveSent LLC (“WaveSent”). The Consent Decree terminates the enforcement proceedings initiated by the Bureau against PageData and WaveSent for possible violation of section 251(e) of the Communications Act of 1934, as amended (“the Act”),¹ section 52.15(f) of the Commission’s rules² and Commission orders.³

2. The Bureau and PageData and WaveSent have negotiated the terms of the Consent Decree that resolve this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigations.

4. In the absence of material new evidence relating to this matter, we conclude that the Bureau’s investigations raise no substantial or material questions of fact as to whether PageData and WaveSent possess the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

¹ 47 U.S.C. § 251(e).

² 47 C.F.R. § 52.15(f).

³ *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 15 FCC Rcd 7574 (2000) (“*NRO Order*”); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket 99-200, 16 FCC Rcd 306 (Dec. 29, 2000) (“*NRO Second Report and Order*”); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, 17 FCC Rcd 252 (2001) (“*NRO Third Report and Order*”).

5. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Act,⁴ and sections 0.111 and 0.311 of the Commission's Rules,⁵ the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the above-captioned investigations **ARE TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, Joseph McNeal, Manager, PageData LLC/WaveSent LLC, 6610 Overland Road, Boise, ID, 83709.

FEDERAL COMMUNICATIONS COMMISSION

Hillary S. DeNigro
Chief, Investigations and Hearings Division
Enforcement Bureau

⁴ 47 U.S.C. § 154(i).

⁵ 47 C.F.R. §§ 0.111, 0.311.

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CONSENT DECREE

I. INTRODUCTION

1. The Enforcement Bureau of the Federal Communications Commission and PageData LLC and WaveSent LLC hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigations of PageData and WaveSent for possible violation of section 251(e) of the Communications Act of 1934, as amended¹ and section 52.15(f) of the Commission's rules² and Commission orders.³

II. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) "Adopting Order" means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (d) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.

¹ 47 U.S.C. § 251(e).

² 47 C.F.R. § 52.15(f).

³ *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 15 FCC Rcd 7574 (2000) ("*NRO Order*"); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket 99-200, 16 FCC Rcd 306 (Dec. 29, 2000) ("*NRO Second Report and Order*"); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, 17 FCC Rcd 252 (2001) ("*NRO Third Report and Order*").

- (e) “Companies” collectively means PageData LLC and WaveSent LLC and their predecessors-in-interest and successors-in-interest.
- (f) “Compliance Plans” means the programs described in this Consent Decree at paragraph 15.
- (g) “Effective Date” means the date on which the Commission releases the Adopting Order.
- (h) “PageData” means PageData LLC and its predecessors-in-interest and successors-in-interest.
- (i) “PageData (EB-09-IH-0619)” means the investigation commenced by the Bureau’s May 20, 2009 Letter of Inquiry⁴ and the Bureau’s November 19, 2009 Supplemental Letter of Inquiry to PageData.⁵
- (j) “Parties” means PageData, WaveSent and the Bureau, and each is a “Party.”
- (k) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (l) “WaveSent” means WaveSent LLC and its predecessors-in-interest and successors-in-interest.
- (m) “WaveSent (EB-09-IH-0620)” means the investigation commenced by the Bureau’s May 20, 2009 Letter of Inquiry⁶ and the Bureau’s November 19, 2009 Supplemental Letter of Inquiry to WaveSent.⁷

III. BACKGROUND

3. Section 251(e) of the Act grants the Commission plenary jurisdiction over the North American Numbering Plan (“NANP”) and related telephone numbering issues in the United States.⁸ The Commission has identified two primary goals related to this statutory mandate: to ensure that the limited numbering resources of the NANP are used efficiently for the benefit of both consumers and carriers, and to ensure that all carriers have the numbering resources necessary to compete in the rapidly growing telecommunications marketplace.⁹

⁴ See Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, PageData LLC (May 20, 2009) (“*PageData LOI*”).

⁵ See also Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, PageData LLC (Nov. 19, 2009) (“*PageData Nov. 19, 2009 Supplemental LOI*”).

⁶ See Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, WaveSent LLC (May 20, 2009) (“*WaveSent LOI*”).

⁷ See Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, WaveSent LLC (Nov. 19, 2009) (“*WaveSent Nov. 19, 2009 Supplemental LOI*”).

⁸ 47 U.S.C. § 251(e).

⁹ *NRO Order*, 15 FCC Rcd at 7577, ¶ 1.

4. The Commission has adopted mandatory utilization and forecast data reporting requirements to facilitate the monitoring of numbering resource usage within the NANP and promote more efficient use of numbering resources.¹⁰ Section 52.15(f) of the Rules requires U.S. carriers receiving numbering resources from the North American Numbering Plan Administrator (“NANPA”),¹¹ a Pooling Administrator,¹² or another telecommunications carrier to report semiannually on their actual and forecasted number usage.¹³ To improve the accuracy of utilization data reporting, the Commission has defined a uniform set of categories in which carriers must classify and report their numbers.¹⁴ Carriers report this data on FCC Form 502, the NRUF report.¹⁵ NeuStar, Inc. (“NeuStar”) currently serves as the NANPA and the Pooling Administrator and receives NRUF reports.

5. PageData and WaveSent are Idaho limited liability companies serving as commercial radio service (CMRS) providers offering paging, messaging, and dial-up internet.¹⁶ PageData was first assigned numbers in Idaho in 2004.¹⁷ WaveSent was first assigned numbers in Idaho in 2003.¹⁸ PageData and WaveSent are owned and operated by the same individuals, Joseph and Sharon McNeal, and currently have no other employees.¹⁹ PageData and WaveSent have been assigned a total of 16 NXX codes each, or 160,000 numbers per company, for a total of 320,000 numbers.²⁰

6. On May 4, 2009, the Idaho Public Utilities Commission (“Idaho PUC”) submitted a Referral for Investigation to the FCC.²¹ The Idaho PUC stated that on September 10, 2008, NeuStar notified PageData and WaveSent that it had not received their NRUF data that was due on August 1, 2008.²² On February 9, 2009, the Idaho PUC sent PageData and WaveSent a letter via certified mail, asking PageData and WaveSent to complete and file by February 19, 2009, their respective NRUF reports

¹⁰ See *id.* at 7582-7621.

¹¹ The NANPA is the entity or entities responsible for managing the NANP. 47 C.F.R. § 52.7(e).

¹² The Pooling Administrator is the entity responsible for administering the thousands-block number pool. 47 C.F.R. § 52.7(g).

¹³ 47 C.F.R. § 52.15(f).

¹⁴ *NRO Order*, 15 FCC Rcd at 7584, ¶ 14; 47 C.F.R. § 52.15(f)(1).

¹⁵ The NRUF reports are due on or before February 1 and on or before August 1 of each year. See 47 C.F.R. § 52.15(f)(6).

¹⁶ See PageData LLC Response to FCC Subpoena (Aug. 12, 2009) (*PageData Aug. 12 Subpoena Response*) at 1-2; WaveSent LLC Response to FCC Subpoena (Aug. 12, 2009) (*WaveSent Aug. 12 Subpoena Response*) at 1-2.

¹⁷ See *PageData Aug. 12 Subpoena Response* at 2.

¹⁸ See *WaveSent Aug. 12 Subpoena Response* at 2.

¹⁹ See *PageData Aug. 12 Subpoena Response* at 1-2; *WaveSent Aug. 12 Subpoena Response* at 1-2. Joseph McNeal is the manager and owner of both PageData and WaveSent. His wife, Sharon McNeal, is also an owner of both companies. Joseph and Sharon McNeal are referred to herein as the “McNeals.”

²⁰ *PageData Aug. 12 Subpoena Response* at 2; *WaveSent Aug. 12 Subpoena Response* at 2.

²¹ See Letter from Donald L. Howell, II, Deputy Attorney General, Idaho Public Utilities Commission, to Irene M. Flannery, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission (May 4, 2009) (*Idaho PUC Referral*).

²² See *id.* at 1.

with NeuStar and the Idaho PUC that were due on February 2, 2009.²³ PageData and WaveSent received the letter on February 11, 2009, and failed to respond in writing to the Idaho PUC.²⁴

7. On May 20, 2009, the Bureau initiated an investigation into PageData and WaveSent's alleged violations of section 52.15(f) of the Commissions rules by failing to submit their NRUF data to NeuStar.²⁵ The Bureau issued two letters of inquiry (the "*LOIs*") directing PageData and WaveSent, among other things, to provide their NRUF data to the Bureau by June 3, 2009.²⁶ The McNeals, the only employees of the companies, state that they were on an extended absence from the office during this timeframe. PageData and WaveSent failed to respond to the *LOIs*.

8. Thereafter, the Bureau issued an administrative subpoena to each company seeking the same information as sought in the *LOIs*.²⁷ On June 30, 2009, the FCC served Joseph McNeal, the co-owner and manager of PageData and WaveSent, with both subpoenas.²⁸ In addition to the information requested in the *LOIs*, the subpoenas also requested information regarding PageData and WaveSent's failure to submit NRUF reports, in possible violation of section 251(e) of the Act and section 52.15 of the Rules.²⁹ On July 19, 2009, PageData and WaveSent submitted a letter in response to the subpoenas stating only that "neither PageData nor WaveSent are in violation of any FCC rules from our understanding."³⁰ The letter did not respond to the questions asked in the *LOIs* or the subpoenas. After a series of telephone calls with Bureau staff, PageData and WaveSent submitted supplemental responses to the Bureau on August 12, 2009.³¹ The companies subsequently engaged counsel, and then responded to inquiries seeking additional information at the end of 2009³² and again in early 2010.³³

²³ *Id.*; Letter from Carolee Hall, Utility Analyst, Idaho Public Utility Commission, to Joseph McNeal, PageData LLC/WaveSent LLC (February 9, 2009).

²⁴ *See Idaho PUC Referral*.

²⁵ Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, WaveSent LLC (May 20, 2009) ("*WaveSent LOI*"). *See also* Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, PageData LLC (May 20, 2009) ("*PageData LOI*"). Collectively, the *PageData LOI* and the *WaveSent LOI* are referred to herein as the *LOIs*.

²⁶ *See PageData LOI at 1; WaveSent LOI at 1*. PageData and WaveSent's responses were due to the Bureau on June 3, 2009.

²⁷ *See* Letter from Genaro Fullano, Deputy Chief, Enforcement Bureau, FCC, to Joseph McNeal, WaveSent LLC (dated June 12, 2009) ("*WaveSent Subpoena*"). *See also* Letter from Genaro Fullano, Deputy Chief, Enforcement Bureau, FCC, to Joseph McNeal, PageData LLC (dated June 12, 2009) ("*PageData Subpoena*"). Collectively, the *PageData Subpoena* and the *WaveSent Subpoena* will be referred to as the "*Subpoenas*."

²⁸ *See* Proofs of Service by Binh T. Nguyen.

²⁹ *See* 47 U.S.C. § 218; 47 C.F.R. § 52.15.

³⁰ *See* Letter from Joseph B. McNeal, Manager, Page Data LLC and WaveSent LLC (dated July 19, 2009) (received via email July 20, 2009) (*PageData and WaveSent July 19, 2009 Subpoena Response*). This letter responded collectively to both subpoenas.

³¹ *See PageData Aug. 12 Subpoena Response; WaveSent Aug. 12 Subpoena Response*.

³² On November 19, 2009, after receiving the letters via email, Joseph McNeal called Bureau staff to discuss the letters. A follow-up discussion took place on November 23, 2009. *See also*, Letter from Jennifer M. Kashatus, Counsel for PageData LLC, to Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC (dated Dec. 7, 2009). *See also* Letter from Jennifer M. Kashatus, Counsel for WaveSent LLC, to

9. During the course of the investigation, Bureau staff confirmed, through the NANP Administration System, that PageData and WaveSent had not filed any of the mandatory NRUF reports due during the entire time they held the 320,000 numbers. PageData and WaveSent filed their first NRUF reports due August 3, 2009 on October 6, 2009 and thereafter filed NRUF reports due in February and August 2010.

10. During the course of the investigation, PageData and WaveSent also provided documentation, supported by affirmations to the Bureau to support a claim of financial hardship. The Bureau finds PageData and WaveSent's financial showing credible. In arriving at the voluntary contribution amount, the Bureau, therefore, considers not only the nature of the misconduct in question, but also PageData and WaveSent's limited ability to pay.

IV. TERMS OF AGREEMENT

11. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order without change, addition, modification, or deletion.

12. **Jurisdiction.** PageData and WaveSent agree that the Commission has jurisdiction over them and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the date on which the Bureau releases the Adopting Order. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other Order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission Order, entitling the Bureau to exercise any rights and remedies attendant to the enforcement of a Commission Order.

14. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the PageData Investigation (EB-09-IH-0619) and the WaveSent Investigation (EB-09-IH-0620). In consideration for the termination of said investigations, PageData and WaveSent agree to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in the investigations through the Effective Date of the Consent Decree, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against PageData and WaveSent concerning the matters that were the subject of the investigations. The Bureau also agrees that it will not use the facts developed in these investigations through the Effective Date of this Consent Decree, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against PageData and WaveSent with respect to PageData

Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC (dated Dec. 7, 2009).

³³ See Letter from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, to Joseph McNeal, PageData LLC/ WaveSent LLC (March 19, 2010). See also, Letter from Jennifer M. Kashatus, Counsel for PageData LLC, to Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC (dated April 16, 2009). See also Letter from Jennifer M. Kashatus, Counsel for WaveSent LLC, to Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC (dated April 16, 2009).

and WaveSent's basic qualifications, including their character qualifications, to be a Commission licensee or authorized common carrier.

15. **Compliance Plans.** For purposes of settling the matters set forth herein, PageData and WaveSent agree to create, within sixty (60) calendar days from the Effective Date, internal Compliance Plans related to PageData and WaveSent's future compliance with the Act, the Rules, and the Commission's orders governing use of numbering resources. The Plans shall include, at a minimum, the following components:

- (a) **Compliance Officer.** PageData and WaveSent shall each designate a Compliance Officer within 30 days of the Effective Date. The designated Compliance Officers shall supervise PageData and WaveSent's compliance with the Rules, including all Compliance Manual and Compliance Report requirements described below. The designated Compliance Officers shall also serve as the point of contact on behalf of PageData and WaveSent for all Commission-related compliance matters to ensure, among other things, that PageData and WaveSent respond to all Commission inquiries in a timely and forthright manner.
- (b) **Compliance Manual.** PageData and WaveSent, with the assistance of outside FCC regulatory counsel or an outside FCC regulatory consultant, shall each create, maintain, and update an FCC Compliance Manual for use by the Companies. PageData and WaveSent personnel who engage in activities related to FCC regulation of PageData and/or WaveSent shall have ready access to the Compliance Manual and are to follow the procedures contained therein. The Compliance Manual shall, among other things, describe the rules and requirements as they apply to PageData and WaveSent regarding the utilization of numbering resources. The Compliance Manual shall encourage personnel to contact PageData and WaveSent's outside FCC regulatory counsel or outside FCC regulatory consultant, with any questions or concerns that arise with respect to PageData and WaveSent's FCC compliance.
- (c) **Training.** PageData and WaveSent shall also conduct training sessions using the Compliance Manual for any new employees who engage in activities related to FCC regulation of PageData and WaveSent to ensure compliance with the Act and the FCC's regulations and policies within the first sixty days of employment. PageData and WaveSent shall submit to the Bureau final versions of their Compliance Manuals sixty days after the Effective Date. With the assistance of outside FCC regulatory counsel or an outside FCC regulatory consultant, PageData and WaveSent shall monitor and review any future changes to these requirements, and ensure that all employees, officers, and directors are provided current information, including any materials, and training.
- (d) **Compliance Reports.** PageData and WaveSent shall each file Compliance Reports with the Commission six months after the Effective Date, twelve months after the Effective Date, and twenty-four months after the Effective Date. Each Compliance Report shall include a compliance certificate from an officer, as an agent of PageData and WaveSent, stating that each officer has personal knowledge that their respective company has established operating procedures intended to ensure compliance with this Consent Decree, that the Company has abided by the terms of the Consent Decree at all times, and that he or she is not aware of any violations of the Act, Rules, or Commission orders relating to numbering, together with an

accompanying statement explaining the basis for the officer's compliance certification. If the officer is not able to so certify, he or she shall explain fully the reason(s) therefore. The reports shall also include copies of PageData and WaveSent's most recent NRUF filings. All Compliance Reports shall be submitted to Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C320, Washington, D.C. 20554.

- (e) **Numbering Resources.** PageData and WaveSent agree to provide notice to the Commission 30 days prior to requesting additional numbering resources in any area code. Such notifications should be sent to the Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C320, Washington, D.C. 20554. Notification should also be sent to Pam Slipakoff at Pam.Slipakoff@fcc.gov.
- (f) **Ownership Changes.** PageData and WaveSent agree to provide notice to the Bureau 15 days prior to any potential changes in ownership of the Companies. These changes include, but are not limited to, the sale, merger, assignment, or transfer of control of PageData or WaveSent and/or any of their assets. Such notifications should be sent to the Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C320, Washington, D.C. 20554. Notification should also be sent to Pam Slipakoff at Pam.Slipakoff@fcc.gov. Any notification made by PageData or WaveSent pursuant to this paragraph will not satisfy any obligation the Companies have to notify or seek authority from the Commission under the Act or the Rules as a result of any listed ownership change.
- (g) **Termination Date.** Unless stated otherwise, the requirements of this Compliance Plan shall expire twenty-four months after the Effective Date.

16. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to section 208 of the Act against PageData and WaveSent for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by PageData and WaveSent of the Act, the rules, or the Adopting Order.

17. **Voluntary Contribution.** PageData agrees that it will make a voluntary contribution to the United States Treasury in the amount of \$500 paid out within ninety days of the Effective Date of this Consent Decree. WaveSent agrees that it will make a voluntary contribution to the United States Treasury in the amount of \$500 paid out within ninety days of the Effective Date of this Consent Decree. The payments must be made by check or similar instrument, payable to the Order of the Federal Communications Commission. The payment must include the Account Number and FRN Number referenced in the caption to the Adopting Order. Payment by check or money Order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payments by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter

the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). PageData and WaveSent will also send electronic notification on the date said payment is made to Pam Slipakoff at Pam.Slipakoff@fcc.gov.

18. **Waivers.** PageData and WaveSent waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Commission issues an Order adopting the Consent Decree without change, addition, modification, or deletion. PageData and WaveSent shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither PageData and WaveSent nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and PageData and WaveSent shall waive any statutory right to a trial de novo. PageData and WaveSent hereby agree to waive any claims they may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 et seq., relating to the matters addressed in this Consent Decree.

19. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which PageData and WaveSent do not expressly consent) that provision will be superseded by such Commission rule or order.

20. **Successors and Assigns.** PageData and WaveSent agree that the provisions of this Consent Decree shall be binding on their successors, assigns, and transferees.

21. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties. The Parties further agree that this Consent Decree does not constitute either an admission of liability, an admission of noncompliance, an adjudication on the merits, or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Act or the Rules and Orders.

22. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

23. **Paragraph Headings.** The headings of the Paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

24. **Authorized Representative.** Each party represents and warrants to the other that it has full power and authority to enter into this Consent Decree.

25. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

Hillary S. DeNigro
Chief, Investigations and Hearings Division
Enforcement Bureau

Date

Joseph McNeal
Manager
PageData LLC/WaveSent LLC

Date